

burden on the Office's resources, not to mention a much greater burden and expense for the Applicants.

Moreover, as this application is the national phase of a PCT application (International Application No. PCT/US 2004/008901; International Publication No. WO 2004/084837), it is not required that the claims be drawn to a single invention; only that the claims be linked by a single general inventive concept. *See* PCT Rule 13; 37 C.F.R. §1.475; M.P.E.P. 1850 and 1893.03(d). Here, as the Examiner previously found, the claims all involve the same general inventive concept relating to vaccines generating antibodies to multiple cytokines in an immunomodulatory pathway, e.g., to both eotaxin and IL-5, and the use of such vaccines to treat inflammatory diseases.

Restriction as required by the Examiner under M.P.E.P. 806 et seq., applying the standards of 37 C.F.R. §1.141 for a regular U.S. application, is clearly improper in the case of a PCT national phase application such as this. The M.P.E.P. is explicit that in this situation, "unity of invention proceeds under 37 C.F.R. 1.475." M.P.E.P. 1893.03. 37 C.F.R. 1.475 sets forth the PCT standard that the claims need not relate to a single invention, provided that they are "so linked as to form a single general inventive concept," a standard that the Examiner has already determined has been met in this case.

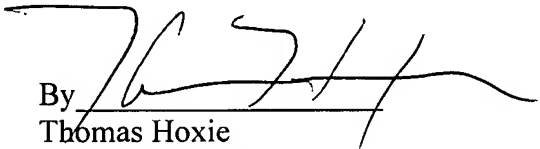
In the event that the Examiner nevertheless maintains the Restriction Requirement, and reserving all rights, including the right to reinstatement or rejoinder in the event the restriction requirement is withdrawn or a generic claim is allowed, and/or the right to pursue any non-elected inventions in divisional or continuation applications, Applicants (with traverse) provisionally **restrict** to Group 1 (the method of claims 1-2 and 7-9), and provisionally **elect** asthma as the species of disease to be treated.

As this response is submitted timely, within thirty days of the Restriction Requirement, it is believed that no fee is required; however, should any fee be required, please charge the same to Deposit Account No. 50-4255.

Reconsideration and withdrawal of the Restriction Requirement and a speedy allowance of the claims submitted is respectfully requested. The Examiner is invited to contact the undersigned by telephone in the event of any questions.

Respectfully submitted,

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